IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2173 OF 2007

M/s. JPS India Inc. ..Petitioner

Vs.

Union of India & Ors. ..Respondents

Mr. H.R. Shetty i/b. H.R. Shetty & Co., for Petitioner
Mr. R.V. Desai, Senior Counsel with Mrs. N.V. Masurkar and
Mr. Y.R. Bhate for Respondents.

CORAM : F.I. REBELLO &
R.S. MOHITE, JJ.
DATED : 29TH NOVEMBER, 2007

P.C.

. Rule. Heard forthwith.

2. It was the grievance of the petitioner that the order in original had not been served upon him and consequently the petitioner was denied the statutory remedy of preferring an Appeal.

2. The submission on behalf of the Respondent Revenue was that the order in original was forwarded to the petitioner by speed post. By order dated 26th October, 2007 we had called on the respondent to produce the certificate from the postal authorities that the communication containing the order was delivered at the address of the petitioner. It appears that the Postal authorities had been unable to produce any material before the respondents.

3. Considering that the consequences of service or

non-service of the order on the petitioner have the effect upon his statutory remedy, in our opinion the interest of justice can be met if this petition is disposed of by issuing the following directions:-

(i) Respondents to serve a fresh certified copy of the order on the petitioner at the address of the petitioner's Advocate Shri Shetty. Shri Shetty on behalf of the petitioner makes a statement, which is accepted, that the notice addressed to the petitioner at his address will be notice served on the petitioner. On receipt of the order it will be open to the petitioner to seek such remedy at law which he is entitled to. Rule made absolutea accordingly.

There shall be no order as to costs.

(R.S.MOHITE, J.) **(F.I. REBELLO, J)**